

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE LUIS TAPIA MONTIEL

## CRIMINAL COMPLAINT

Case Number: 10mj113 JJK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 14, 2006, in Freeborn County, in the State and District of Minnesota, defendant(s) knowingly and intentionally provided false statements that he was a citizen of the United States, with the intent and purpose of obtaining a benefit on behalf of himself, and to engage unlawfully in employment in the United States, to wit: provided the name, date of birth, and Social Security number of the victim on an I-9 Employment Eligibility Verification form.

in violation of Title 18, United States Code, Section(s) 1015, 1028A.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

4/1/10  
Date

The Honorable Jeffrey J. Keyes  
UNITED STATES MAGISTRATE JUDGE

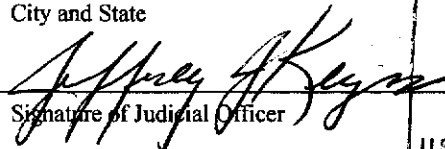
Name & Title of Judicial Officer

  
Signature of Complainant

Tonya M. Slager  
BICE

St. Paul, MN

City and State

  
Signature of Judicial Officer

SCANNED

APR 01 2010

U.S. DISTRICT COURT ST. PAUL

State of Minnesota     )  
                                      )  
County of Ramsey     )

ss. **AFFIDAVIT OF SA Tonya M. Slager**

**AFFIDAVIT**

I, Tonya M. Slager, being duly sworn under oath, depose and state as follows:

1. I am a Special Agent with United States Department of Homeland Security Immigration and Customs Enforcement (ICE) and have been so employed since December of 2008. I was previously a probation officer in Dakota County and Rice County in Minnesota. I earned a Masters of Arts in Criminology from the University of Minnesota, Duluth. I am currently assigned to the Document and Benefit Fraud Task Force (DBFTF).

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge, review of Immigration records, and information provided by other law enforcement officers and witnesses.

3. Jose Luis TAPIA Montiel is a citizen of Mexico. He is not a citizen, permanent resident, or national of the United States.

4. On June 18, 1999, TAPIA Montiel was arrested at the Hidalgo, Texas border for Section 212(a)(6)(C)(ii), False Claim of US Citizenship. TAPIA had a Minnesota Driver's License, a Missouri Drivers License, Social Security card, and Birth Certificate in his possession of an individual by the name of Daniel CANTU. TAPIA initially claimed he was Daniel CANTU but when he was further questioned in secondary at the border, he admitted his true name was Jose TAPIA Montiel. TAPIA Montiel was found guilty on June 19, 1999 of the

212(a)(6)(C)(ii), False Claim charge. TAPIA Montiel was subsequently expeditiously removed from the United States on June 21, 1999 via the Hidalgo Port of Entry.

5. On February 2, 2005, a person using the name Nelson RODRIGUEZ completed a prison sentence at a federal correctional facility in Yankton, South Dakota and was subsequently placed on Federal Probation in Minnesota.

6. On December 14, 2006, a person using the name Nelson RODRIGUEZ completed an I-9 Employment Eligibility Verification form using the Minnesota Drivers License and the Social Security card of Nelson RODRIGUEZ. This person also checked the Citizen or National of the United States box.

7. On July 16, 2008, a person using the name Nelson RODRIGUEZ completed a second I-9 Employment Eligibility Verification form using the Minnesota Drivers License and the Social Security card of Nelson RODRIGUEZ. This person again checked the Citizen or National of the United States box.

8. In August of 2009, ICE Special Agents received information regarding the identity theft of an individual Nelson RODRIGUEZ. A Texas State Probation Officer, who is supervising a person named Nelson RODRGUEZ who is on probation, contacted a Federal Probation Officer in the District of Minnesota, who is also supervising a person named Nelson RODRIGUEZ on federal supervised release. The Social Security number and date of birth matched the name of both persons who are using the name Nelson RODRIGUEZ in Texas and in Minnesota.

9. In October of 2009, records checks were completed and requests for conviction records and DVS information was completed. Records checks revealed that the assumed Nelson RODRIGUEZ in Minnesota was arrested on December 23, 1999 for Possession with Intent to

Distribute Methamphetamine in Sioux Falls, South Dakota by the Drug Enforcement Administration. He was convicted of that charge on May 01, 2000 and sentenced to complete 70 months in Yankton Federal Prison and five years of supervised release. While on Federal Probation in Minnesota, the assumed Nelson RODRIGUEZ was charged with a probation violation for a Domestic Assault on June 20, 2007. It was also determined by Driver and Vehicle Services that the assumed Nelson RODRIGUEZ applied for and received a Minnesota Drivers License in Tracy, MN in 1999 and again in Albert Lea, MN on February 07, 2005 and a third time on June 09, 2005.

10. In December of 2009, prints from the Bureau of Prisons were scanned into the ICE ENFORCE database system. At that time, it was determined that the prints match that of Jose Luis TAPIA Montiel with a date of birth of June 06, 1978. Prints for the Nelson RODRIGUEZ in Texas, prints from the assumed Nelson RODRGUEZ in Minnesota, and prints from the TAPIA Montiel's A-file were submitted to The U.S. Department of Homeland Security Forensic Document Laboratory for fingerprint analysis.

11. On December 28, 2009, your affiant was notified of the fingerprint analysis results. Fingerprint impressions from the Nelson RODRIGUEZ in Texas were not a match for the fingerprint impressions from the A-file of TAPIA Montiel nor the individual who is on federal supervised release in Minnesota. However, the fingerprint impressions from the A-file of TAPIA Montiel matched the individual on supervised release in Minnesota. The fingerprint analysis also confirmed that TAPIA Montiel was the individual who was convicted and served time at Yankton Federal Prison in South Dakota under the assumed name of Nelson RODRIGUEZ and is currently on federal supervision in Minnesota using the fraudulent name of Nelson RODRIGUEZ.

12. On December 29, 2009, your affiant received a copy of a photograph of Nelson RODRIGUEZ in Texas. The picture did not match that of the person claiming to be Nelson RODRIGUEZ in Minnesota.

13. Based on the above information, I believe that there is probable cause to conclude that on or about December 14, 2006, and July 16, 2008, that TAPIA Montiel (AKA: Nelson RODRIGUEZ) committed the violations of false statements claiming he was a citizen of the United States and aggravated identity theft, in violation of Title 18, United States Code, Sections 1015(e) and 1028A.

Further your affiant sayeth not.

  
\_\_\_\_\_  
Tonya M. Slager  
SPECIAL AGENT, ICE

SUBSCRIBED and SWORN TO before me this 1 day of April, 2010

  
\_\_\_\_\_  
JEFFREY J. KEYES  
U.S. MAGISTRATE JUDGE